IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.9910 OF 2004

Pooja P.Aggarwal and Ors. ...Petitioners

Vs.

South Indian Co-Op.Bank Ltd. and Ors. ...Respondents

....

Mr.Y.K.Sharma for Petitioners
Mr.N.M.Bhadrashette for Respondent no.1
Mr.P.I.Khemani A.G.P. for Respondent nos.2 and 5.

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 9,2005

P.C.:

1. Heard Mr.Sharma, the learned counsel for the petitioners. The attachment warrant has already been executed and the possession of the suit flat has been taken over by the respondent no.1 bank. The recovery certificate issued under Section 101 of the Maharashtra Co-Operative Societies Act, 1960 can be challenged in a Revision under Section 154 read with Rule 107 of the Maharashtra Co.Operative Societies Rules, 1961 or in the alternative the present petitioners may have a civil remedy to challenge the order of attachment if they claim or any one of them claims that the suit property is an exclusive property of one of them. This petition cannot be entertained against the order of attachment.

2. Hence, the same is hereby rejected summarily with liberty to the petitioners as is available in law.

[B.H.MARLAPALLE,J.]